

Appl. No. : 09/838,949
Filed : April 19, 2001

REMARKS

This is in response to the Office Action mailed April 8, 2003.

By the Action, the Examiner first noted that the Abstract as filed exceeded 150 words. Applicant has requested amendment of the Abstract herein.

The Examiner indicated the rejection of pending Claims 39-50 as either anticipated by Leake (U.S. Patent No. 5,624,119) or as unpatentable over Leake in further view of Makovic et al. (U.S. Patent No. 4,442,012).

As pointed out by Applicant in the Information Disclosure Statement mailed December 4, 2001, Leake discloses an invention which differs substantially from the invention claimed in Claims 39-50.

Applicant's Invention Generally

In general, Applicant's invention relates to symbol matching games. However, Applicant's specific game differs from prior art games. Applicant's game can readily be understood when referring to Figure 17. As illustrated therein, a player is provided with a set of player symbols. The symbols are arranged into at least one row. As illustrated, those symbols are arranged into multiple rows (1720) comprising a matrix (n x m) of dice symbols. In this configuration, the matrix contains a plurality of discrete rows (1720) of symbols, each row containing a number of randomly selected symbols.

In the "matching" portion of the game, a set of game symbols (1716) is generated. The set of

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game symbols comprises a discrete row of symbols. The number of symbols in the row of game symbols is the same as the number of symbols in a row of the player's symbols. The row of game symbols is compared to one of the rows of symbols belonging to the player and matches are determined.

In one embodiment, different rows of game symbols are generated and compared to different rows of player symbols. In one embodiment, more than one row of game symbols is generated and compared to a single row of player symbols.

The Leake Patent

Leake also discloses a matching game similar to Bingo. In accordance with Leake, a game face or ticket is generated. The game face or ticket comprises a matrix of positions filled with elements. See Leake at Col. 3, line 65 to Col. 4, line 28. Each element in one of the positions of the game face has two different entities, such as letters or numbers and color, geometric shape or the like.

In the play of the game, elements are randomly selected and "called." Each "call" includes both entities (i.e. a number/letter and color). A player designates or marks any of the positions on the game face which have elements which match the called element. See Leake at Col. 4, lines 38-47.

Leake thus discloses a game which is similar to Bingo: a player has a game card displaying symbols and a player matches any symbols on their game card with a called symbol. In Leake's case, however, the symbols on the game card have two characteristics, such as a number and a color. The

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called symbol thus includes both characteristics, such as a number and a color. A player matches any symbol anywhere on their game card which matches the called symbol. For example, if "red 3" is called, then the player could match any "red" symbol and any "3" symbol which appears anywhere on their game card. In this manner, a player may win for being the first to match five "red" numbers. See Leake at Col. 8, lines 60-65.

Makovic

Makovic discloses use of dice indicia, but in an entirely different type of game than is claimed by Applicant.

Claim 29

* Applicant asserts that Claim 29 recites an invention which is not only not disclosed by Leake, but which is substantially different from and non-obvious in view of Leake.

Claim 29 recites an invention in which a matrix of players symbols are displayed. The matrix includes rows of containing two or more symbols. A set of main game symbols is displayed, the game symbols arranged in a row containing the same number (n) of symbols as the symbols in the row of the player symbols. The symbols in the row of game symbols are compared, in corresponding positions, to the symbols in the row of player symbols. In essence, Claim 29 thus recites a game in which a rows of symbols is compared to another row of symbols.

As detailed above, this differs significantly from Leake. Leake does not disclose or suggest displaying or generating a row of game symbols. Instead, Leake discloses "calling" symbols in

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Bingo fashion, one at a time. In addition, ~~Leake~~ does not disclose or suggest comparing called symbols based upon specific position. Leake discloses matching a called symbol to any symbol anywhere in the player's matrix. This is contrary to the invention as claimed where a row of game symbols is compared to a specific row of player symbols and moreover, where the symbols in corresponding positions in the row are compared to one another.

Claims 30-38

Claims 30-38 are believed allowable for at least the reason they depend from independent Claim 29. These claims also believed to be independently patentable. For example, with respect to Claim 30, Applicant asserts that Leake does not disclose or suggest comparing a first row or set of game symbols to a first row of player symbols, and then comparing a second row or set of game symbols to a second row of player symbols (i.e. a "row by row" matching game). Claim 35 recites displaying multiple rows of game symbols and comparing, on a row to row basis, the symbols in corresponding rows of player symbols.

Claims 39-46

Claims 39-46 are believed allowable for like reasons to Claim 29 as described above. Once again, Claim 39 recites a game in which a row of game symbols are displayed. That row of game symbols is compared to a row of player symbols. Matches are declared for the same symbols in corresponding positions of the rows of game and player symbols.

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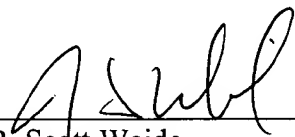
Claims 47-50

Claims 47-50 are also believed allowable for like reasons to Claim 29 as described above. Claim 47 recites a multi-player game in which a symbols in a row (of n symbols) of game symbols are compared to corresponding player symbols in a row (of n symbols).

Summary

Applicant asserts that Claims 29-50 are in a condition for allowance and respectfully requests a notice as to the same. If any matters remain outstanding, the Examiner is invited to contact the undersigned by telephone.

Respectfully submitted,

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